

ORIGINAL

FILED

February 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0616

STATE OF MONTANA,

Plaintiff and Appellee,

v.

LINDA KAPSA,

Defendant and Appellant.

FILED

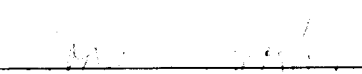
FEB 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

Johnna K. Baffa, counsel of record for Defendant and Appellant,
respectfully requests an extension of time until March 25, 2010, in which to
prepare, file, and serve the Appellant's opening brief in the above-entitled matter.
In support of this motion, undersigned counsel respectfully submits the following
affidavit.

Respectfully submitted this 16 day of February, 2010.



JOHNNA K. BAFFA
Attorney for Appellant

STATE OF MONTANA)
 : ss.
County of Missoula)

I, Johnna K. Baffa, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed at Van de Wetering Law Offices, P.C. as an associate attorney. I also am a contract attorney for the Montana Appellate Defenders Office and the Public Defender's Office.

2. In my capacity as a contract attorney, I have been assigned to handle the above-entitled matter.

3. The Appellant's opening brief is presently due on February 25, 2010. One extension has already been granted.

4. Upon receiving the case from the Appellate Defender's Office, I promptly began reviewing the various documents and transcripts and completed some cursory legal research.

5. Additionally, the law firm at which I work is unique in that the only two members of the firm are Josh Van de Wetering and myself. We have no staff. Mr. Van de Wetering and myself are responsible not only for the legal work on each case, including court appearances, legal research, and drafting both appellate and trial briefs, we are also responsible for the daily operations of our firm. This

includes investigative work, pleadings drafting, maintaining communication with clients and colleagues, and accounting.

7. I was also recently assigned five new appeals in my work as an appellate contract attorney.

8. Due to the volume of my work and the complexity of this case, I need additional time to complete Appellant's opening brief.

9. I will work diligently to complete the matter in the time requested.

10. Opposing counsel has been contacted concerning this motion and does not object.

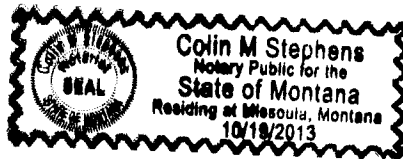
11. Further your affiant sayeth naught.



JOHNNA K. BAFFA

SUBSCRIBED AND SWORN to before me this 12th day of February,

2010.





CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

DENNIS PAXINOS
Yellowstone County Attorney
P.O. Box 35025
Billings, MT 59107-5025

LINDA KAPSA
2315 South 14th Road
Ballantine, MT 59006

DATED: 2/16/10 [Signature]